

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1983

DIAMOND SHAMROCK CHEICALS
COMPANY, et al.,
Petitioners,

V.

MICHAEL F. RYAN, et al.,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE SECOND CIRCUIT

MOTION TO EXPEDITE CONSIDERATION OF WRIT

Respondents, plaintiffs in the District court,
respectfully request this Court to expedite its consideration
of Petitioner's Petition for a Writ of Certiorari to the
United States Court of Appeals for the Second Circuit.

BACKGROUND

The Petitioners, manufacturers of certain
herbicides known as "Agent Orange" used by the military
in southeast Asia during the Viet Nam conflict, seek
review of the refusal of the Court of Appeals for the
Second Circuit to issue an extraordinary writ in the
nature of Mandamus to prevent the District Court for
the Eastern District of New York (Jack B. Weinstein, J.)
from proceeding to give notice to the class certified
by the District Court.

REASON FOR THE MOTION

In this action which has been pending in the District Court since early 1979, the class of Agent Orange victims is estimated to number 40,000- 50,000 persons. The class comprises seriously injured victims, spouses, and infants born with catastrophic birth defects.

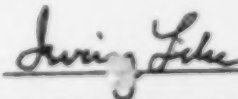
Many of the members of the class are impoverished. Members of the class have died and are dying without compensation for their injuries and suffering. The government has refused to date to provide medical care, treatment and other benefits because it does not as yet recognize that plaintiffs injuries were service connected.

The trial now set for May 7, 1984 if preceded by implementation of the class notice procedures approved by the District Court will give the veterans their deserved day in court and enable the parties claims and defenses to be expeditiously resolved with finality and binding effect and with no demonstrated prejudice to defendants.

WHEREFORE, respondents respectfully request that this Court expedite its consideration of the within Petition.

February 8, 1984

Respectfully submitted,



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Affidavit of Service

State of New York: SS.;

County of New York:

Edward F. Hayes, III, being duly sworn says
that he served true copies of the foregoing motion upon
the following attorneys for the parties by mailing said
copies to them, first class postage prepaid, at the
addresses indicated :

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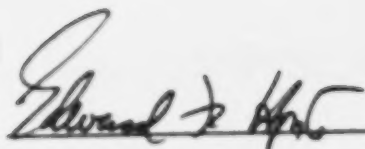
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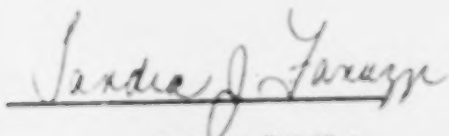
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Edward F. Hayes, III

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8 th day of February, 1984



SANDRA J. FARAGO
Commissioner of Deeds
City of New York - No. 2-6333
Certificate Filed in Kings County
Commission Expires Oct. 1, 1985